

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz &amp; Schneid, P.L.</b> Attorneys for Secured Creditor 6409 Congress Avenue, Suite 100 Boca Raton, FL 33487 -and- 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone No.: 973-575-0707 (local) Telephone No.: 561-241-6901 (main)  Laura Eggerman, Esq. (NJ-8250)	CASE NO.: 17-24161-VFP  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Denise Gardener,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

CIT BANK, N.A. ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # ), and states as follows:

1. Debtor, Denise Gardener, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 12, 2017.
2. Secured Creditor holds a security interest in the Debtor's real property located at 522 CHESTNUT PLACE, TEANECK, NJ 07666, by virtue of a Mortgage recorded on July 23, 2007 in Book 16883, at Page 303 of the Public Records of Bergen County, NJ. Said Mortgage secures a Note in the amount of \$258,750.00.
3. The Debtor filed a Chapter 13 Plan on July 12, 2017.
4. The Plan fails to include payments toward the Note and Mortgage with Secured Creditor. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$71,020.70. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$71,020.70 as the pre-petition arrearage over the life of the plan.

5. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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**CERTIFICATION OF SERVICE**

1. I, Laura Egerman, represent CIT BANK, N.A. in this matter.
2. On 8/21/2017, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

8/21/2017

**Robertson, Anschutz & Schneid, P.L.**  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert M. Rich 25 Pompton Ave. Verona, NJ 07044	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
U.S. Trustee U.S. Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)